REMARKS/ARGUMENTS

Claims 1-28 and new claims 29-33 are pending in the application. Reconsideration and a withdrawal of the rejections are hereby respectfully requested in view of the above amendments and the following remarks.

New claims 29-33 further define embodiments of the Applicant's invention and have been added to round out coverage for the invention.

1. The Section 101 Rejection Has Been Addressed By the Amendments.

Claims 18-25 stand rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is hereby respectfully requested.

Applicant's invention, as recited in claims 18-25, has been amended to more particularly articulate the invention. Independent claims 18 and 24 have been amended to recite that the server includes a storage component. Claim 18 recites that the program to be demonstrated is stored in said storage component. As previously pointed out, applicant's specification refers to a user's "machine" and also refers to the "server 10" in Fig. 1 in connection with a network "a". (See specification, par [0004]) The storage component of the machine or server is now positively recited in claims 18 and 24.

For the above reasons, and in view of the amendments made to claims 18 and 24, Applicant submits that these claims define patentable, statutory subject matter. Accordingly, reconsideration and a withdrawal of the section 101 rejection is respectfully requested.

2. Applicant's Invention Is Not Obvious Over Suzuki and Tobler, and the 103(a) Rejection With Respect to Claims 1-4, 6, 13, 14, 21-23 and 25-28 Must Be Withdrawn.

Claims 1-4, 6, 13, 14, 21-23 and 25-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (JP02002342084A), in view of US 6,978,232 (Tobler). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection are hereby respectfully requested.

Applicant's present invention is not obvious over Suzuki even when combined with Tobler.

The rejection set forth in the Office Action, in particular on page 7, considers that Suzuki discloses "a user terminal [that] is characterized by logging on to said terminal server through a communication line" (citing to par. [0014] of Suzuki) and further that "a demonstration execution server connected to the same network as aforementioned terminal server to execute aforementioned software demonstration" (citing to par. [0010] of Suzuki), and further "receiving the demonstration result of said software by said server for demonstration activation through said terminal server" (also referring to paragraph [0014] of Suzuki).

The Office Action acknowledges that Suzuki fails to teach receiving code from said identified user. However, the Examiner attempts to fill this deficiency by reliance on another reference, Tobler, which the Office Action considers to disclose receiving code from said identified user based on the following citation of Tobler:

> The simulated control window does not require establishing an active trial account, but the prospective

> client can still navigate through a series of pages and input hypothetical data as though operating an actual control window of the virtual server service.
> (Tobler, Abstract)
>
> FIG. 1L illustrates an example of a display of a database manager web page 180 of the demonstration module for the virtual server service system. When the prospective client selects the database manager demonstration component 102h from any page of the control window 100, the host server system sends the database manager page 180 to the client system. The database manager page 180 can include a database menu 182, an input field 184, an element 186 for creating a new database, and a description section 188. The prospective user can manipulate the database menu 182 and the input field 184 to experience the look and feel of operating the database manager unit of the virtual server.
> (Tobler, col. 7, lines 51-60)

Tobler discusses hypothetical data, rather than actual data of the user. Unlike the Applicant's invention, in Tobler, the user is described to input *hypothetical* data. The user code is provided to the demonstration server in the Applicant's invention, but it is the demonstration server that acts on the uploaded or provided user code. This is not disclosed or suggested by Tobler.

The email embodiment of the Applicant's invention provides for the server to act on the user uploaded data, such as, the user email. Where the server program to be demonstrated is, for example, an antivirus scanning program, such as, for example, that disclosed in the embodiment of Applicant's invention represented by new claim 29, the data is actual user data (user email) and not hypothetical data.

In addition, the Applicant's invention would appear to further be distinguishable over and contrasted with the disclosure applied by the Office Action

as a basis for rejection. Tobler discusses that its demonstration uses hypothetical inputs and desires to avoid the actual data usage that Applicant's invention provides.

Tobler, in its disclosure, provides that the web pages of its system are not active web pages

> FIGS. 1A-1L illustrate several embodiments of methods for demonstrating a virtual server service. The various components, elements, input fields and pull-down menus of the web pages 110-180 can be tools that correspond to the same tools of an administration control window for use by active clients to configure their virtual server services. The web pages 110-180, however, are not active web pages because the host server system does not need to store and administer the settings that the prospective client selects or the data that the prospective client inputs. The actions of the prospective client accordingly do not require the computer resources that are necessary to operate active trial accounts for prospective customers. Moreover, the actions of the prospective client do not need to be monitored and deleted from the host server after completing the demonstration. As a result, the demonstration module that generates the demonstration web pages 110-180 mitigates the potential for inadvertently deleting valuable information of an active client that can occur when data is deleted from an active trial account. Therefore, several embodiments of the methods for demonstrating a virtual server service set forth in FIGS. 1A-1L are expected to reduce the costs and errors involved with demonstrating a computerized service compared to providing an active trial account to prospective clients.
> (Tobler, col. 7, line 62- col. 8, line 18)

As previously pointed out, the Applicant's invention provides advantages. For example, users may have certain configurations in connection with the integration software that the software to be demonstrated may need to work with. It would appear that Tobler, which is cited to fill the deficiency of Suzuki, namely, by

allegedly disclosing receiving code from said identified user, would appear to provide a contrary teaching.

According to Applicant's present invention, as recited in new claim 29, for example, a particular embodiment involved relates to email scanning software, which requires installation on a server and configuration to accommodate the network and the users. Internet demonstration of software may not work, or may be impossible, because the Internet or file server offering the demonstration software service is not the user's. Consequently, integration issues may be difficult, and may not be revealed during the demonstration. Applicant discusses these issues in the specification, at part [0005]. Applicant's invention provides user code so that the program may be demonstrated on the user's data as if the program were operating on the user machine. It would appear that Tobler discloses hypothetical data, and desires to avoid the problems which Applicant's invention solves. One of ordinary skill in the art would not look to gain from Tobler what Tobler is credited in the Office Action for disclosing in order to modify Suzuki. Tobler states that:

> the prospective client can still navigate through a series of pages and input hypothetical data as though operating an actual control window of the virtual server service. The prospective client can accordingly experience the look and feel of the actual control window for the virtual server service without consuming computer resources or administration resources required to establish, maintain and clean an active trial account for each prospective client.
> (Tobler, col. 3, lines 26-34)

Accordingly, it would not have been obvious to combine Tobler with Suzuki, and moreover, nor would the combination have resulted in Applicant's present invention. Tobler's statement that there is no need to establish or maintain

and clean an active trial account for each prospective client is inconsistent with the Applicant's invention which utilizes data supplied by the user, and not, hypothetical inputs. The failures of Suzuki and Tobler to disclose the Applicant's invention is further provided by reference to Applicant's specification distinguishing the present invention where actual user data (such as a user email) is acted on by the demonstration program (as opposed to a hypothetical input – which may not be data to act upon, but rather input selections for a demonstration window menu):

> Data obtained from the demonstrations may be retained on an as-desired basis; for example, daily, weekly, as run, when server space becomes limited, etc. Data obtained from the demonstrations may also be used to refine demonstration programs, if desired. (Applicant's published specification, par. [0020])

Applicant's invention also is distinguishable over and not taught, suggested or disclosed by Suzuki.

Suzuki's disclosure indicates that not only the output, but also the input, is controlled by the terminal server. The uploading of user data which the program acts upon (e.g., to manipulate) is not disclosed or suggested. Suzuki does not disclose or appear to state to use the data of the terminal for the demonstration, that is, to execute other data, and not just for that "data" to instruct the terminal server. In addition, according to Suzuki, the user terminal (110) is disclosed to have a window function. Turning to what the Suzuki terminal server (210) provides in Suzuki, one may look to JP H10-21173A (and particularly to par [0009] of that document to which Suzuki refers), which is cited in par [0023] of Suzuki.[1] Upon a

[1] A copy of the English language translation of JP H10-21173A and/or its English language counterpart is being provided in a supplemental information disclosure statement.

review of the terminal server reference in JP H10-21173A, it appears that discloses a system which defines an environment at a first terminal that stays when the user logs on to a second terminal. Even considering this disclosure as related to Suzuki, the Applicant's present invention is not disclosed or taught. There is still not a disclosure of using the demonstration program on the user's actual code. This is more particularly articulated in regard to the email antivirus scanning program demonstration recited in new claim 29, where the program may be demonstrated on the user's own actual email.

It would appear that none of the cited references, alone or taken together, discloses the Applicant's present invention, in particular, including the embodiment recited in claim 29 which relates to an email antivirus scanning program that is demonstrated not on hypothetical inputs, but rather, using the actual user data.

For these reasons, Applicant's invention should be patentable over the cited references.

3. Applicant's Invention Is Not Obvious Over Suzuki and Tobler, and the 103(a) Rejection With Respect to Claims 5, 7-12, 15, 19 and 20 Must Be Withdrawn.

Claims 5, 7-12, 15, 19 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (JP02002342084A), in view of US 6,978,232 (Tobler). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection are hereby respectfully requested.

Applicant's present invention is not obvious over Suzuki even when combined with Tobler.

The rejection of claims 5, 7-12, 15, 19 and 20 is based on a proposed modification of the Suzuki reference. The Office Action rejection acknowledges that Suzuki does not explicitly teach the claimed step wherein identifying a user further comprises identifying a user through supplying a user with a unique, operational email address.

Applicant's invention not only provides a unique email address, but may operate on the email of the user so that a demonstration may be performed on that email. The cited references fail to disclose this.

First, for the reasons set forth above, Applicant's invention is not taught, suggested or disclosed by Suzuki alone or in combination with Tobler.

Second, with respect to claim 5, the rejection acknowledges that Suzuki fails to disclose Applicant's claimed feature that "wherein said identifying a user further comprises identifying a user through supplying a user with a unique, operational email address." The rejection considers that one would have modified Suzuki's approach to use (an) email address as part of a user account for identifying a user because it is alleged in the Office Action that a manufacturer may use email to send out a software demonstration message to a user. The Applicant's method, as recited in claim 5, states that "identifying a user further comprises identifying a user through ***supplying a user*** with a unique, operational email address." Similarly, new claim 31 relates to an antivirus scanning program demonstration and recites the

feature of generating a unique email address for a user. This featured embodiment supplies the user with a unique email address, unlike the basis discussed in the rejection, which construes the invention to be using a user's email address so the manufacturer may send out software demonstration to the user. However, neither Suzuki, nor the rejection, discloses, or provides the email address being supplied to the user, as claimed. Applicant further, in the specification (see par. [0015]), also discusses providing the email as a demonstrator provided domain. Therefore, the feature of supplying a user with the email is yet another feature serving to distinguish Applicant's invention over the cited Suzuki reference and is not taught, suggested or disclosed.

The rejection with respect to claims 7, 8 and 19, acknowledges that Suzuki fails to disclose Applicant's claimed feature:

> wherein said providing an identified user with access, via a network, to a server comprising a program to be demonstrated further comprises providing an identified user with access, via a network, to a server comprising an email scanning program to be demonstrated.

As Applicant previously pointed out, the email demonstration is not mentioned in Suzuki. Moreover, as set forth above, Suzuki does not provide for use of user email, but rather, refers to using server data (see Suzuki, par. [0027]). It would therefore not have been obvious.

In addition, claim 10 has been amended to recite that the email comprises the user code supplied for demonstration:

> wherein said receiving email from said identified user further comprises receiving a predetermined amount of email from said identified user, <u>wherein said email comprises code received from said user, and wherein</u>

said program to be demonstrated uses said email.

For the above reasons, and for these additional reasons, reconsideration and a withdrawal of the rejection, with respect to claims 7, 8 and 19, is respectfully requested.

With respect to claims 9 and 20, contrary to what the rejection sates, Applicant submits that it would not have been obvious to have provided email from the user as the code received if the program to be demonstrated was an email scanning program. There would not have been motivation to provide for receiving email code from a user who desires to have scanning software demonstrated. First, as previously discussed, Applicant's invention relates to a server configured to receive from a user user code which permits the application of the program on the user data (or email) in the manner as if the program were operating on the user system. Therefore, Applicant's method provides for handling, at the server, the operation based on the user code, which may be manipulated in accordance with the program being demonstrated, as if the program were operating on the user's machine. Applicant has pointed out that email handled by the present invention may be part of an email program which integrates with, or must be installed with, the program to be demonstrated, as well as other programs which may be on the user machine. Suzuki does not appear to disclose or suggest Applicant's invention, as recited in claims 9 and 20.

For the above reasons, and for these additional reasons, reconsideration and a withdrawal of the rejection with respect to claims 9 and 20 is requested.

Even the further features of Applicant's claim 10 relating to regulation of a predetermined amount of email amount to be received from the user also is acknowledged in the rejection to not be disclosed by Suzuki.

As Applicant previously pointed out above, Suzuki does not disclose using an antivirus scanning software program for demonstration on email uploaded by a user to the demonstration server. In addition to the lack of mention of the email application, as well as even uploading or using the user code in the first place, Suzuki also does not provide a teaching or suggestion of a limitation on the user data. Suzuki fails even to disclose the use of the user data in the first instance.

For the above reasons, and for these additional reasons, reconsideration and a withdrawal of the rejection with respect to claim 10 is warranted.

Claim 11 stands rejected even though the rejection acknowledges that Suzuki fails to disclose Applicant's claimed temporal limit feature:

> wherein said receiving code from said identified user further comprises receiving code for a predetermined amount of time from said identified user.

As Applicant previously pointed out above, Suzuki fails to disclose using a software program for demonstration on code uploaded by a user to the demonstration server. In addition, Suzuki fails to mention the receipt of code for a predetermined amount of time.

For the above reasons, and for these additional reasons, reconsideration and a withdrawal of the rejection with respect to claim 11 is warranted.

Claim 12 stands rejected, even though the rejection acknowledges that Suzuki fails to disclose an email scanning program as part of the claimed software demonstration invention:

> wherein said executing said program to be demonstrated using said code further comprises executing an email scanning program to be demonstrated using email provided by said user.

As Applicant previously pointed out above, Suzuki does not disclose using an email scanning program in the first place. Suzuki also does not disclose a software program for demonstration on code (e.g., email) uploaded by a user to the demonstration server. Suzuki fails even to disclose the use of user data in the first instance.

For the above reasons, and for these additional reasons, reconsideration and a withdrawal of the rejection with respect to claim 12 is warranted.

4. Applicant's Invention Is Not Obvious Over Suzuki, Tobler and Smith, and the 103(a) Rejection With Respect to Claim 15 Must Be Withdrawn.

Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (JP02002342084A), in view of US 6,978,232 (Tobler) and further in view of US 6,918,038 ("Smith"). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection are hereby respectfully requested.

Claim 15 stands rejected, even though the rejection acknowledges that Suzuki fails to disclose a secure shutdown mechanism provided with the server.

The rejection of claim 15 is based on the premise that it would have been obvious to apply a secure shut down mechanism for security purposes. First, for the reasons set forth above, Applicant's invention is not disclosed or suggested by Suzuki (alone or with Tobler). Second, Suzuki, as the rejection acknowledges, does not provide a secure shutdown mechanism for the server, nor does it provide a reason or suggestion to provide one. The teaching of the secure shutdown feature in claim 15 comes from the Applicant's own disclosure, and is not derived from Suzuki. Suzuki does not provide a suggestion or motivation for the desire to have a shutdown, and under what circumstances. Even if the Smith disclosure is attempted to be combined with Suzuki, there still is no suggestion to make the combination.

For these reasons, and the reasons previously set forth above, the rejection of claim 15 should be withdrawn.

In view of the above reasons, reconsideration and a withdrawal of the 103(a) rejection is respectfully requested.

If further matters remain in connection with any of the rejections addressed herein, the Examiner is invited to telephone the Applicant's undersigned representative to hold an interview to discuss them.

If an extension of time is required, the Commissioner is requested to consider this a request for a petition for the appropriate extension of time.

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